



MONTGOMERY McCracken

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March 2, 2017

By Email

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attn: Mary Beth deBeau, Paralegal
999 E Street, NW
Washington, DC 20463

Re: MUR ~~7452~~ 7192
Citizens for Boyle
Friends of Kevin Boyle

Greetings:

This constitutes the response of Citizens for Boyle, Lindsay Angerholzer, Treasurer, and Friends of Kevin Boyle, Victoria Cram, Treasurer, to the complaint of Jim Pio. Citizens for Boyle is the federally-qualified committee of Member of Congress Brendan Boyle. Friends of Kevin Boyle is the Pennsylvania-qualified committee of Kevin Boyle, the brother of Brendan Boyle.

As set forth in the attached Affidavits of Lindsay Angerholzer and Scott Heppard, Citizens for Boyle acknowledges that respondent Citizens for Boyle did send on October 30, 2016 the email that is the subject of the complaint submitted by Jim Pio (sometimes herein the "Subject Email").

Citizens for Boyle acknowledges an inadvertent violation of 11 C.F.R. § 300.62 in that the Subject Email did not include a disclaimer that Citizens for Boyle was asking for contributions to Friends of Kevin Boyle in amounts limited to \$2,700 per election.

The Subject Email did not result in any contribution to Friends of Kevin Boyle that was in substantive violation of the "Soft Money" Chapter, codified as 2 U.S.C. § 441i of the Federal Election Campaign Act, as amended, in that:

MONTGOMERY McCracken WALKER & RHOADS LLP

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A PENNSYLVANIA LIMITED LIABILITY PARTNERSHIP
JOHN J. LEVY, NEW JERSEY RESPONSIBLE PARTNER

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Federal Election Commission

March 2, 2017

Page 2

(a) Only five contributions (sometimes herein the "Five Contributions") were received by Friends of Kevin Boyle after the Subject Email sent October 30, from Oct. 31 to Nov. 5, 2016, prior to the November General Election on November 8, 2016, as follows:

Oct. 31	Tony Coelho	\$500.00
Oct. 31	Sy Tran	100.00
Nov. 1	Kane Smeltz	20.00
Nov. 4	Edward Harkins	50.00
Nov. 5	Sean Kilkenny	500.00

(b) It is not possible to determine whether any of the Five Contributions were received through the electronic link referred to in the Subject Email; if those contributions were made through that link, they would have required confirmation by the contributors in accordance with the disclaimer quoted in sub-paragraph (d) *infra*.

(c) None of the Five Contributions, when aggregated with other contributions made by the same individuals in respect of the November 2016 General Election, exceeded \$2,700.

(d) All of the Five Contributions were received from individuals who had made earlier contributions to Friends of Kevin Boyle in respect of the November 2016 General Election and who had therefore earlier confirmed the text of the following disclaimer:

I confirm that all of the following statements are true and accurate: Pennsylvania law requires every campaign to collect data on occupation and employer from every individual who contributes more than \$250 to a candidate in any campaign.

This contribution is from my own funds made on a personal credit or debit card for which I have the legal obligation to pay; it is NOT made from the funds of a corporation or labor organization, with a corporate or business entity card, or another person's card.

I am at least eighteen years old.

I am not a foreign national who lacks permanent residence in the United States.

(e) Four of the Five Contributions were received from persons who are shown as registered voters in Pennsylvania; the fifth contributor, Tony Coelho, is a former member of the United States House of Representatives.

(f) There is no indication that any of the Five Contributions were received from defense contractors: one contributor is a lawyer, one is a union official, two are in non-defense

Federal Election Commission

March 2, 2017

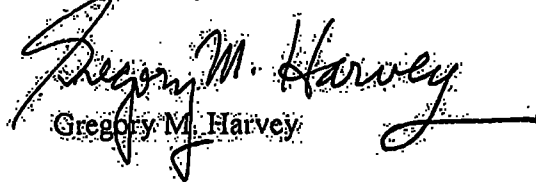
Page 3

related private business and Tony Coelho serves on non-profit boards and non-defense related corporate boards.

Pennsylvania continues to be a hard-money jurisdiction that prohibits contributions from national banks, corporations, labor unions and other unincorporated associations. *See* Pennsylvania Election Code of June 3, 1937, P.L. 1333, as amended, § 1633, 25 Purdon's Statutes § 3253.

If the Commission determines that this inadvertent violation, which did not result in any contribution that constituted a substantive violation of 2 U.S.C. § 441i, nonetheless requires remediation, the respondents are prepared to participate in good faith in a conciliation process.

Respectfully submitted,


Gregory M. Harvey

Attachments:

Affidavit of Lindsay F. Angerholzer dated March 1, 2017

Affidavit of Scott Heppard dated March 1, 2017

Designation of Counsel for Friends of Kevin Boyle, Victoria Cram, Treasurer

AFFIDAVIT OF LINDSAY F. ANGERHOLZER

DISTRICT OF COLUMBIA

ss.:

CITY OF WASHINGTON

LINDSAY F. ANGERHOLZER, being first duly sworn according to law, deposes and says:

1. I am the Treasurer of Citizens for Boyle, one of the respondents in MUR 7192 and the company of which I am a principal, Angerholzer Broz Consulting, provides bookkeeping services to Citizens for Boyle.

2. As to factual matters concerning respondent Friends of Kevin Boyle I rely on the Affidavit of Scott Heppard, attached to this Affidavit, who was a volunteer campaign finance manager of Friends of Kevin Boyle during the pertinent time period.

3. Respondent Citizens for Boyle did send on October 30, 2016 the email that is the subject of the complaint submitted by Jim Pio (sometimes herein the "Subject Email").

4. Citizens for Boyle acknowledges an inadvertent violation of 11 C.F.R. § 300.62 in that the Subject Email did not include a disclaimer that Citizens for Boyle was asking for contributions to Friends of Kevin Boyle in amounts limited to \$2,700 per election.

5. The Subject Email did not result in any contribution to Friends of Kevin Boyle that was in substantive violation of the "Soft Money" Chapter, codified as 2 U.S.C. §441i of the Federal Election Campaign Act, as amended, in that:

(a) Only five contributions (sometimes herein the "Five Contributions") were received by Friends of Kevin Boyle after the Subject Email sent October 30, from Oct. 31 to Nov. 5, 2016, prior to the November General Election on November 8, 2016, as follows:

Oct. 31	Tony Coelho	\$500.00
Oct. 31	Sy Tran	100.00
Nov. 1	Kane Smeltz	20.00
Nov. 4	Edward Harkins	50.00
Nov. 5	Sean Kilkenny	500.00

(b) It is not possible to determine whether any of the Five Contributions were received through the electronic link referred to in the Subject Email.

(c) None of the Five Contributions, when aggregated with other contributions made by the same individuals in respect of the November 2016 General Election, exceeded \$2,700.

(d) All of the Five Contributions were received from individuals who had made earlier contributions to Friends of Kevin Boyle in respect of the November 2016 General Election and who had therefore earlier affirmed the text of the following disclaimer:

I confirm that all of the following statements are true and accurate: Pennsylvania law requires every campaign to collect data on occupation and employer from every individual who contributes more than \$250 to a candidate in any campaign.

This contribution is from my own funds made on a personal credit or debit card for which I have the legal obligation to pay; it is NOT made from the funds of a corporation or labor organization, with a corporate or business entity card, or another person's card.

I am at least eighteen years old.

I am not a foreign national who lacks permanent residence in the United States.

(e) Four of the Five Contributions were received from persons who are shown as registered voters in Pennsylvania; the fifth contributor, Tony Coelho, is a former member of the United States House of Representatives.

(f) There is no indication that any of the Five Contributions were received from defense contractors: one contributor is a lawyer, one is a union official, two are in non-defense related private business and Tony Coelho serves on non-profit boards and non-defense corporate boards.



L. Angerholzer
Lindsay F. Angerholzer

Sworn to and subscribed before me

this 1st day of March, 2017.

Lisa Ellen Powell
Notary Public

AFFIDAVIT OF SCOTT HEPPARD

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Philadelphia ss:

SCOTT HEPPARD, being first duly sworn according to law, deposes and says:

1. During late October and early November 2016, I worked as a volunteer campaign finance manager for Friends of Kevin Boyle, one of the respondents in MUR 7192.

2. At the request of counsel for the respondents in MUR 7192 I have reviewed the campaign finance records and investigated the voter registration status of certain contributors to Friends of Kevin Boyle.

3. I am aware that respondent Citizens for Boyle did send on October 30, 2016 the email that is the subject of the complaint submitted by Jim Pio (sometimes herein the "Subject Email") and that Citizens for Boyle acknowledges an inadvertent violation of 11 C.F.R. § 300.62 in that the Subject Email did not include a disclaimer that Citizens for Boyle was asking for contributions to Friends of Kevin Boyle in amounts limited to \$2,700 per election.

4. The Subject Email did not result in any contribution to Friends of Kevin Boyle that was in substantive violation of the "Soft Money" Chapter, codified as 2 U.S.C. § 441i of the Federal Election Campaign Act, as amended, in that:

(a) Only five contributions (sometimes herein the "Five Contributions") were received by Friends of Kevin Boyle after the Subject Email sent on October 30, from Oct. 31 to Nov. 5, 2016, prior to the November General Election on November 8, 2016, as follows:

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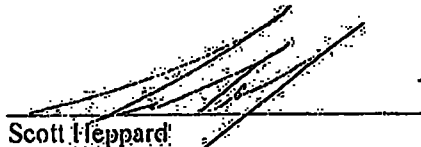
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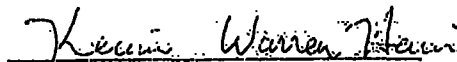
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(f) There is no indication that any of the Five Contributions were received from defense contractors: one contributor is a lawyer, one is a union official, two are in non-defense related private business and Tony Coelho serves on non-profit boards and non-defense corporate boards.


Scott Heppard

Sworn to and subscribed before me
this 1 day of March, 2017.


Notary Public

